

Section 24.1-104 Definitions

Marina. A facility designed for dockage, storing, servicing, berthing, fueling, repairing or securing of primarily pleasure boats and which may include accessory, ~~incidental and subordinate~~ eating restaurant, ~~snack bar~~, and retail facilities in accordance with the performance standards established in this chapter for owners, members, crews or guests and may have loading and unloading facilities. Marinas may include in-water slips which are covered or uncovered, dry slips for boat storage on land, either indoors or outdoors, and provisions for transfer of boats to and from the water by means of ramps or mechanical equipment.

- ~~Wet Slip. A marina where boats are docked and secured in the water. Covered or uncovered slips may be provided.~~
- ~~Dry Storage. A marina where boats are stored on land, either indoors or out, which may include provisions for transfer to and from the water by mechanical means upon request.~~

Section 24.1-306 Table of Land Uses

Category 9 – Recreation and Amusement

- 13. Marina, Dock, Boating Facility (commercial) ~~without restaurant~~ ~~snack bar~~ **P** in WC/I, IL and IG
- 13a. Marina, Dock, Boating Facility (commercial) with restaurant ~~snack bar~~ **S** in WC/I, IL and IG
- 14. Marina, Dock, Boating Facility (Private/Club) ~~without restaurant~~ ~~snack bar~~ **S** in RC, RR, R20, R13, R7, RMF and **P** in WC/I, IL and IG
- 15a. Marina, Dock, Boating Facility (Private/Club) with restaurant ~~snack bar~~ **S** in RC, RR, R20, R13, R7, RMF, WC/I, IL and IG

Section 24.1-462. Standards for marina, dock or boating facility (commercial)

- (a) Commercial marinas, docks and boating facilities shall be designed in accordance with the “Criteria for the Siting of Marinas or Community Facilities for Boat Mooring” as prepared by the Virginia Marine Resources Commission, VR 450-01-0047.
- (b) All federal, state and local requirements for marina facilities shall be met and the necessary permits obtained prior to issuance of the zoning certificate for docks, piers or boat houses.
- (c) All requirements of the environmental management overlay district shall be addressed as part of any plan approval.

(d) Accessory, ~~incidental and subordinate~~ restaurant ~~and snack bar~~ facilities associated with commercial marinas shall be subject to the following requirements:

(1) The facility shall be designed and operated to serve primarily the patrons and employees of the marina and shall not be sized or operated so as to be the principal use of the property. For the purposes of this section, marina patrons shall be those people whose boats are docked or stored at the marina, either on a long-term or transient basis, or those people whose boats are being serviced or repaired at the marina, and the accompanying guests of the patrons, as defined.

(2) The application for approval of a new marina with restaurant ~~or snack bar~~ facilities, or for the addition of such facilities at an existing marina, shall include a statement from the prospective operator describing the process that will be used to ensure that access to the restaurant ~~or snack bar~~ is limited primarily to marina patrons and their guests, or the manner in which the design and management criteria of the proposed restaurant ~~or snack bar~~ will ensure the restaurant will remain accessory to the marina and will not become the principal use of the property. Such design criteria may include, without limitation, restrictions on size of the dining area or the seating capacity, on parking, on advertising, or on hours of operation. The Board of Supervisors may require modifications to the proposed process, or to the design or management criteria, to ensure that the accessory, incidental and subordinate intent of this chapter is maintained.

(3) The restaurant ~~or snack bar~~ shall be located on the marina site and designed so as to be compatible in form, character, appearance and arrangement with adjacent ~~residentially zoned~~ properties and to prevent or minimize potential adverse impacts on such properties. Specific consideration shall be given to:

a) Locating the principal entrance to the facility so that it does not face adjacent residentially zoned property.

b) Locating service entrances and delivery zones so as not to face or be adjacent to residentially zoned property.

c) Locating parking spaces likely to be used by restaurant ~~or snack bar~~ patrons and employees so as to minimize impacts on adjacent residentially zoned property.

d) Designing the restaurant ~~or snack bar~~ so that vents, dumpsters, refrigeration units, HVAC systems, and other systems / components that might cause offensive or objectionable noise or odor do not face ~~or~~ and are appropriately shielded, screened and buffered from adjacent residentially zoned property.

- e) Locating any outdoor dining areas so as to ensure compatibility with adjacent residentially zoned properties.
- (4) The maximum allowable size of the restaurant ~~/snack bar~~ shall be established by the Board of Supervisors at the time of special use permit approval. The determination of the maximum size of the restaurant ~~/snack bar~~ shall be made based on consideration of the following factors:
 - a) The size of the marina (i.e., number of boat slips and storage berths) and the number of marina patrons likely to be using the marina during normal daily operations.
 - b) The physical location and design of the restaurant ~~/snack bar~~ and how it relates to and is integrated with the other marina facilities.
 - c) The adequacy of the road network leading to the marina and its ability to accommodate safely any increase in traffic that might be expected to result from the addition of the restaurant ~~/snack bar~~.

For the purposes of this section, the maximum allowable size of the restaurant ~~/snack~~ bar shall be defined in terms of square footage of the dining area (both indoor and outdoor). Maximum capacity shall be estimated using the building/fire code standard of 15 square feet per person.

- (5) Any proposed outdoor dining areas shall be clearly depicted on the plans submitted with the special use permit application and shall be subject to approval by the Board of Supervisors as to compatibility with surrounding land uses.
- (6) The hours of operation for the restaurant ~~/snack bar~~ shall be limited to 6:00 a.m. to 10:00 p.m., unless otherwise specified by the Board at the time of approval of the special use permit.
- (7) Unless otherwise approved by the Board at the time of issuance of the special use permit, the restaurant ~~/snack bar~~ shall not include a dance floor nor shall live musical performances be allowed in the facility.
- (8) The restaurant ~~/snack bar~~ shall not be identified as the principal or predominant use in any signage, advertising or publicity. References to the restaurant / snack bar shall be subordinate to the marina (the principal use). By virtue of its accessory status, the restaurant ~~/snack bar~~ building shall not be used in the calculation of allowable sign area for the parcel; however, otherwise allowable signage may be placed on the building.
- (9) Unless otherwise approved by the Board at the time of issuance of the special use permit, the restaurant ~~/snack bar~~ shall not be made

available for meetings, receptions or other functions not associated with the marina operation. This limitation shall specifically preclude the reservation or rental of the facility for receptions or parties open to the general public or for meetings of civic clubs and similar groups.

- (10) ~~Any~~ No-outdoor speaker systems shall be permitted in conjunction associated with the restaurant. / snack bar shall be designed and operated so as to not be audible on any adjacent properties or rights-of-way.
- (11) Marinas and their accessory uses shall limit all outdoor lighting to the subject site to prevent unreasonable or objectionable glare onto adjacent properties, rights-of-way, and waterways. The lighting standards established by the Illuminating Engineering Society of North America (IESNA) shall be used to determine the appropriate lighting fixtures and luminaries for such uses.
- (12) Where the subject marina is located in a Chesapeake Bay Preservation Area (RPA or RMA), the provision of additional parking intended to accommodate restaurant patrons shall be prohibited in order to minimize land disturbance and impervious surfaces. For the purposes of compliance with this requirement, the minimum parking ratio specified for marinas in Section 24.1-608 c) (9) shall be considered adequate to accommodate the needs of the marina and its associated accessory uses. **ISSUE OF ALLOWING / REQUIRING ADDITIONAL PARKING FOR MARINA COMPONENT NEEDS FURTHER DISCUSSION.**
- (13) The application for approval of a new marina with ~~restaurant or snack bar~~ facilities, or for the addition of such facilities at an existing marina shall be accompanied by a traffic impact study prepared in accordance with the standards established in article II of this chapter. For the purposes of analysis, the study shall be based on the traffic generation associated with the marina, using current ITE trip generation figures, and also including the restaurant / ~~snack bar~~ as an additive traffic generator but at 25% of the volumes that would be expected for a stand-alone principal use. Approval of the restaurant / ~~snack bar~~ shall be contingent on demonstration through the required traffic study that the capacity of the road system serving the marina can accommodate projected traffic. **ISSUE OF REQUIRING ADDITIONAL FACTOR FOR RESTAURANT TRAFFIC GENERATION NEEDS ADDITIONAL DISCUSSION.**

- (a) Use of private marinas, docks, or boating facilities shall be limited to a specific membership and shall not be intended for the general public or commercial purposes.
- (b) Private marinas, docks and boating facilities shall be designed in accordance with the “Criteria for the Siting of Marinas or Community Facilities for Boat Mooring” as prepared by the Virginia Marine Resources Commission, VR 450-01-0047.
- (c) All federal, state and local requirements for marina facilities shall be met and the necessary permits obtained prior to issuance of the zoning certificate for docks, piers or boat houses.
- (d) All requirements of the environmental management overlay district shall be addressed as part of any plan approval.
- (e) Accessory, ~~incidental and subordinate~~ restaurant ~~and snack bar~~ facilities associated with private or club marinas shall be subject to the requirements set forth in Section 24.1-462 for commercial facilities, unless otherwise approved by the Board of Supervisors at the time of issuance of a special use permit.